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*Attorneys for Irving H. Picard, Trustee for the
Substantively Consolidated SIPA Liquidation of
Bernard L. Madoff Investment Securities LLC and
the estate of Bernard L. Madoff*

**UNITED STATES BANKRUPTCY COURT
SOUTHERN DISTRICT OF NEW YORK**

SECURITIES INVESTOR PROTECTION
CORPORATION,

Plaintiff-Applicant,
v.

BERNARD L. MADOFF INVESTMENT
SECURITIES LLC,

Defendant.

In re:

BERNARD L. MADOFF,

Debtor.

IRVING H. PICARD, Trustee for the Substantively
Consolidated SIPA Liquidation of Bernard L.
Madoff Investment Securities LLC and Bernard L.
Madoff,

Plaintiff,

Adv. Pro. No. 08-01789 (SMB)

SIPA LIQUIDATION

(Substantively Consolidated)

Adv. Pro. No. 10-04889 (SMB)

v.

ROBERT S. SAVIN,
Defendant.

STIPULATION AND ORDER FOR SUBSTITUTION OF DEFENDANT

WHEREAS, on December 2, 2010, Irving H. Picard (the “Trustee”), as trustee for the liquidation of the business of Bernard L. Madoff Investment Securities LLC under the Securities Investor Protection Act, 15 U.S.C. §§ 78aaa *et. seq.*, and the substantively consolidated estate of Bernard L. Madoff individually, filed the above-captioned avoidance action against Defendant Robert S. Savin; and

WHEREAS, Robert S. Savin died on December 18, 2014.

IT IS THEREFORE MUTUALLY AGREED AND STIPULATED, by and between the Trustee and Barbara L. Savin, in her capacity as Personal Representative of the Estate of Robert Shevryn Savin¹ (the “Estate”), as follows:

1. The Estate and Barbara L. Savin, in her capacity as Personal Representative of the Estate, (“Defendants”), are hereby substituted into this action in place of Robert S. Savin, deceased, and the complaint shall be deemed so amended (the “Amended Complaint”).

2. The Clerk of the Court is hereby directed to amend the caption to remove Robert S. Savin and substitute the Estate and Barbara L. Savin, in her capacity as Personal Representative of the Estate, as reflected on Exhibit A to this Stipulation.

3. Undersigned counsel for the Estate and Barbara L. Savin, in her capacity as Personal Representative of the Estate: (i) expressly represents that she has the authority to accept service of the Amended Complaint on behalf of Defendants, (ii) waives service of the summons

¹ File No. 502016CP005287XXXXMB, in the Circuit Court for Palm Beach County, Florida, Probate Division.

and the Amended Complaint on behalf of Defendants, (iii) hereby waives any defenses based on insufficiency of process or insufficiency of service of process of the summons and Amended Complaint on behalf of Defendants, and (iv) expressly agrees that the amendment noted in Paragraph 1 hereof shall not be considered an amendment under Federal Rule of Civil Procedure 15(a)(1)(A) or (B).

4. Except as expressly set forth herein, the parties to this Stipulation reserve all rights and defenses they may have.

5. This Stipulation may be signed by the parties in any number of counterparts, each of which when so signed shall be an original, but all of which shall together constitute one and the same instrument. A signed facsimile, photostatic or electronic copy of this Stipulation shall be deemed an original.

Dated: January 13, 2017

/s/ Elyssa S. Kates

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*Attorneys for Defendant Barbara L. Savin, in
her capacity as Personal Representative of the
Estate of Robert S. Savin*

SO ORDERED

Dated: January 13, 2017
New York, New York

/s/ STUART M. BERNSTEIN
HON. STUART M. BERNSTEIN
UNITED STATES BANKRUPTCY JUDGE